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SUBJECT: GUIDANCE FOR WASSENAAR ARRANGEMENT PLENARY, DEC
2-3

¶1. (SBU) Summary: Following is guidance for the U.S. Delegation (USDEL) for the Plenary meeting of the Wassenaar Arrangement (WA). No issues achieved consensus at the General Working Group (GWG) meeting. The GWG is recommending that the Plenary mandate continue work in 2009 as well as Outreach to several non-Participating States. The Experts Group (EG) has recommended 53 changes to the control lists. End Summary.

AGENDA ITEM 1 - Adoption of the Plenary Agenda

¶2. (U) As written, the U.S. has no objection to the agenda.

AGENDA ITEM 2 - Report from the GWG Chair

¶3. (SBU) The October GWG did not agree to forward any proposals to the Plenary for approval. The GWG agreed on a proposed budget and a plan of action for outreach to non-Participating States to the Plenary. For all other issues, the GWG agreed to recommend further discussion in ¶2009.

GENERAL INFORMATION EXCHANGE

¶4. (SBU) The following issues will be discussed under this agenda item: regional views; arms brokering activities; projects/programs of concern; transportation of arms; terrorism; transparency of Participating States' national export control practices; and emerging technologies of concern. The GWG recommended continued discussion for each of these topics and encouraged increased contributions by Participating States.

--USDEL should support the GWG recommendations and support the idea of continued focused discussion in Regional View sessions. USDEL should note that regionally-focused papers enhance the effectiveness of the Arrangement by raising awareness, increasing transparency, and increasing discussion of sensitive issues.

SPECIFIC INFORMATION EXCHANGE

¶5. (SBU) This agenda topic will address: scope of notification of arms; scope of notification of dual-use goods; and the correspondence list. The proposals under these headings include the following:

--arms reporting and arms denial consultation;
--expanding arms reporting to include transfers among Participating States;
--dual-use denial consultation for Sensitive List and Very Sensitive List items;
--reporting exports of ammunition; and
--how to report transfers of artillery systems with a caliber of 35-75mm.

--USDEL should not object to continued discussion of these

items in 2009. The U.S. is not in a position to support reporting small arms ammunition transfers, so USDEL should not overtly endorse continued discussion.

CONTROLS, LICENSING, AND ENFORCEMENT

¶6. (SBU) This agenda topic will address the following issues: information sharing on new export control developments; Export Control Documentation; MANPADS; Internal Compliance Programs (ICPs); Guidelines for Transportation of Conventional Arms; Brokering; Re-Export Controls; Annual Review; and Licensing and Enforcement Officers Meeting (LEOM) related matters.

¶7. (SBU) There are only two proposals under this agenda topic: ICPs and Re-Export Control. Neither of these proposals have reached consensus. The LEOM discussion will consist of approving the proposed agenda topics. Each of the other agenda items is a recommendation for continued review during the GWG of status of implementation of the previously adopted guidelines. The GWG is recommending the Plenary mandate it to continue to discuss implementation during 2009.

--USDEL should support continued discussion of the proposal for ICPs.

--USDEL should support continued discussion of the Re-Export control proposal. USDEL may support adoption of such an agreement if consensus has been achieved by the Plenary.

--USDEL should support continued discussion of implementation during 2009.

¶8. (SBU) LEOM-Related Matters: The GWG endorsed and recommended the following topics for discussion by the LEOM in 2009: Licensing Practices; Possibilities of customs action or intervention in foreign trade activities; end-use controls; criteria for license issuance; and challenges related to the prosecution of export control cases.

--USDEL may support these recommendations.

Report from the EG

¶9. (SBU) The EG reached consensus on 53 items this year. It agreed to forward two of the proposals not agreed this year for further work in 2009. These two proposals are a U.S. proposal on Coordinate Measuring Machines and a UK proposal on underwater diver detection systems. The EG also agreed to recommend that the Plenary approve mandates for continued work in 2009 in the Technical Working Groups (TWGs) on Global Navigation Satellite Systems (GNSS), Low-light Level (LLL) and Infrared Sensors and Associated Cameras, and revision of Category 5 Part 2. Italy plans to nominate Diego Martini for continuation as chair of the EG in 2010.

-- USDEL should support the recommendation of the EG with respect to list review changes.

-- USDEL should support the forwarding of US 002 and GB 018 for further work in 2009.

-- USDEL should support Plenary mandates for TWGs in 2009 to work on GNSS, LLL and Cat 5 Part 2.

-- USDEL should support the Italy's nomination of Diego Martini to continue to serve as EG Chair in 2010.

PARTICIPATION/OUTREACH

¶10. (SBU) Participation: Cyprus is the only country whose application for membership still has not been decided. Turkey continues to block the application; the EU continues to express support for Cyprus' membership.

--USDEL may support Cyprus' application for membership should the issue be put forward for a decision.

¶11. (SBU) Outreach: The GWG proposed a number of outreach-related activities for 2009, including post-Plenary briefings. The U.S. does not object to the proposed Outreach activities. The U.S. has also developed a proposal for conducting an outreach seminar to brief non-Participating States on changes to the control lists. Consensus was not reached on this proposal; the U.S. should seek to have it discussed further in 2009.

--USDEL should support the proposed Outreach activities for 2009.

--USDEL should note that comments received indicated further work needed to be done on its proposal for a seminar to brief countries on changes to the control list. The U.S. will continue to work with Participating States in 2009 to further develop this proposal.

ADMINISTRATIVE ISSUES

¶12. (SBU) ELABORATION OF 2009 WORK PROGRAM - USDEL may support the 2009 Work Program.

¶13. (SBU) WASSENAAR ARRANGEMENT INFORMATION SYSTEM (WAIS): USDEL should support the updated WAIS Strategy and 3-Year IT Action Plan, support implementation of the WAIS Technical Solutions for the 2007 Plenary decision on Revoking SL and VSL Denial Notifications, support renewing the Friends of the Chair Group on the WAIS (FOC-WAIS) mandate, and support the appointment of Christian Rupp, Austria, as the next FOC-WAIS Chair.

¶14. (SBU) RISK MANAGEMENT: USDEL may support the decision on risk management as contained in Attachment A to the Report from the Chairman of the General Working Group to the 2008 Plenary. USDEL should clarify, either verbally or in a written revision, that Participating States have the final decision to send or decline to send, as appropriate, their experts on the contingency roster.

¶15. (SBU) AUDITED FINANCIAL STATEMENTS FOR 2007 - USDEL should support a Plenary decision to adopt the Arrangement's 2007 audited financial statements.

¶16. (SBU) BUDGET FOR 2009 - USDEL may support the proposed budget.

¶17. (SBU) CHAIRS FOR 2009 - USDEL may support the Plenary (Canada), GWG (The Netherlands), and LEOM (Switzerland) chairs, per the agreed alphabetical rotation. (N.B. - the country rotation is automatic and the Rules of Procedure do not allow Participating States to block a country's nominee.)
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